

NUCLEAR REGULATORY COMMISSION

All U.S. Pressurized Water Reactors; Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Reactor Regulation, has taken action with regard to a Petition for action under 10 CFR 2.206 received from John Willis of Greenpeace International with respect to all pressurized water reactors (PWRs) in the United States. The Petitioner requested that all U.S. PWRs be examined for cracks in control rod drive mechanism (CRDM) vessel head penetrations (VHP) and that any reactors found containing VHP cracking be shut down, repaired, and "relicensed" before restarting.

The Director of the Office of Nuclear Reactor Regulation has determined to deny the Petition. The reasons for this denial are explained in the "Director's Decision under 10 CFR 2.296," (DD-95-02) which is available for public inspection in the Commission's Public Document Room, Gelman Building, 2120 L St., N.W., Washington, DC 20037. A copy of this decision will be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations. As provided by this regulation, the decision will constitute the final action of the Commission 25 days after the date of issuance of the decision unless the Commission on its own motion institutes a review of the decision within that time.

Dated at Rockville, Maryland this 26th day of January, 1995.

For the Nuclear Regulatory Commission.

William T. Russell,

Director, Office on Nuclear Reactor Regulation.

[FR Doc. 95-2728 Filed 2-2-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-461]

Illinois Power Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-62, issued to the Illinois Power Company (the licensee), for operation of the Clinton Power Station, Unit 1, located in DeWitt County, Illinois.

The proposed amendment would modify the Technical Specifications (TSs) to eliminate selected response time testing requirements. The affected TSs are TS 3.3.1.1, "Reactor Protection System (RPS) Instrumentation," TS 3.3.5.1, "Emergency Core Cooling System (ECCS) Instrumentation," TS 3.3.6.1, "Primary Containment and Drywell Isolation Instrumentation," and TS 3.5.1, "ECCS—Operating."

The proposed changes are supported by analyses performed by the Boiling Water Reactor Owners Group (BWROG) in their topical report, NEDO-32291, "System Analyses for Elimination of Selected Response Time Testing Requirements," submitted on January 14, 1994. NEDO-32291 demonstrated that other periodic tests required by TSs, such as channel calibrations, channel checks, channel functional tests, and logic system functional tests, in conjunction with the actions taken in response to NRC Bulletin 90-01, "Loss of Fill-Oil in Transmitters Manufactured by Rosemount," and Supplement 1, are adequate to ensure that instrument response times are within acceptable limits.

The staff has reviewed NEDO-32291 and, by letter dated December 28, 1994 (B. Boger to R. Pinelli), issued its Safety Evaluation. Based on a review of the information presented by the BWROG, the staff concluded that significant degradation of instrument response times, i.e., delays greater than about 5 seconds, can be detected during the performance of other surveillance tests, principally calibration, if properly performed. Accordingly, the staff concluded response time testing can be eliminated from TSs for the selected instrumentation identified in the topical report and accepted NEO-32291 for reference in license amendment applications for all boiling water reactors provided that certain conditions are met. These conditions were specified in the staff's letter to the BWROG dated December 28, 1994.

In a letter dated January 27, 1995, the licensee submitted an application to amend their technical specifications based on the BWROG topical report. In their submittal, the licensee confirmed the applicability of the generic analysis of NEDO-32291 to their plant, and provided the supplemental information demonstrating compliance with the conditions specified in the staff's Safety Evaluation. In addition, the licensee identified their submittal as a cost beneficial licensing action (CBLA) and requested prompt approval by the staff so that they could implement the changes prior to their refueling outage scheduled for March 1995.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

(1) The purpose of the proposed Technical Specification (TS) change is to eliminate response time testing requirements for selected components in the Reactor Protection System (RPS), Containment and Reactor Vessel Isolation Control System (CRVICS) instrumentation, and Emergency Core Cooling System (ECCS) actuation instrumentation. The Boiling Water Reactor Owners' Group (BWROG) has completed an evaluation which demonstrates that response time testing is redundant to the other TS-required testing. These other tests, in conjunction with actions taken in response to NRC Bulletin 90-01, "Loss of Fill-Oil in Transmitters Manufactured by Rosemount," and Supplement 1, are sufficient to identify failure modes or degradations in instrument response time and ensure operation of the associated systems within acceptable limits. There are no known failure modes that can be detected by response time testing that cannot also be detected by the other TS-required testing. This evaluation was documented in NEDO-32291, "System Analyses for Elimination of Selected Response Time Testing Requirements," January 1994. Illinois Power (IP) has confirmed the applicability of this evaluation to Clinton Power Station (CPS). In addition, IP will complete the actions identified in the NRC staff's safety evaluation of NEDO-32291.

Because of the continued application of other existing TS-required tests such as channel calibrations, channel checks, channel functional tests, and logic system functional tests, the response time of these systems will be maintained within the acceptance limits assumed in plant safety analyses and required for successful mitigation of an initiating event. The proposed changes do not affect the capability of the associated systems to perform their intended function within their required response time, nor do the proposed changes themselves affect the operation of any equipment. As a result, IP has concluded that

the proposed changes do not involve a significant increase in the probability or the consequences of an accident previously evaluated.

(2) The proposed changes only apply to the testing requirements for the components identified above and do not result in any physical change to these or other components or their operation. As a result, no new failure modes are introduced. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) The current TS-required response times are based on the maximum allowable values assumed in the plant safety analyses. These analyses conservatively establish the margin of safety. As described above, the proposed changes do not affect the capability of the associated systems to perform their intended function within the allowed response time used as the basis for the plant safety analyses. The potential failure modes for the components within the scope of this request were evaluated for impact on instrument response time. This evaluation confirmed that, with the exception of loss of fill-oil of Rosemount transmitters, the remaining TS-required testing is sufficient to identify failure modes or degradations in instrument response times and ensure operation of the instrumentation within the scope of this request is within acceptable limits. The actions taken in response to NRC Bulletin 90-01 and Supplement 1 are adequate to identify loss of fill-oil failures of Rosemount transmitters. As a result, it has been concluded that plant and system response to an initiating event will remain in compliance with the assumptions of the safety analyses.

Further, although not explicitly evaluated, the proposed changes will provide an improvement to plant safety and operation by reducing the time safety systems are unavailable, reducing the potential for safety system actuations, reducing plant shutdown risk, limiting radiation exposure to plant personnel, and eliminating the diversion of key personnel resources to conduct unnecessary testing. Therefore, IP has concluded that this request will result in an overall increase in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would

result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The result determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 6, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designed by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary of the

designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant or a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram identification Number N1023 and the following message addressed to Leif J. Norrholm, Project Director, Project Directorate III-3, petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Leah Manning Stetener, Vice President, General Counsel, and Corporate Secretary, 500 South 27th Street, Decatur, Illinois 62525, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a

balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 27, 1995, which is available for public inspection the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Dated at Rockville, Maryland, this 31st day of January, 1995

For the Nuclear Regulatory Commission.

Douglas V. Pickett,

Senior Project Manager, Project Directorate III-3, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulations.

[FR Doc. 95-2727 Filed 2-2-95; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 30-16055-ML-Ren; ASLBP No. 95-707-02-ML-Ren

**Advanced Medical Systems, Inc.;
Cleveland, OH; Designation of
Presiding Officer**

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 FR 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's Regulations, all as amended, a presiding officer from the Atomic Safety and Licensing Board Panel is hereby designated to rule on petitions for leave to intervene and/or requests for hearing and, if necessary, to serve as the presiding officer to conduct the hearing in the event that an informal adjudicatory hearing is ordered in the following Materials License Renewal proceeding.

**Advanced Medical Systems, Inc.,
Cleveland, Ohio**

Renewal of Material License No. 34-19089-01

The Presiding Officer is being designated pursuant to 10 CFR 2.1207 of the Commission's Regulations, "Informal Hearing Procedures for Materials Licensing Adjudications," published in **Federal Register**, 54 F.R. 8269 (1989). This action is in response to hearing requests submitted by Earth Day Coalition, Northeast Ohio Regional Sewer District, and the City of Cleveland, Ohio. The hearing requests were submitted in response to an application filed with the Commission by Advanced Medical Systems, Inc. for renewal of its license for possession of radioactive materials.

The presiding officer in this proceeding is Administrative Judge Marshall E. Miller.

Following consultation with the Panel Chairman, pursuant to the provisions of 10 CFR 2.722, the Presiding Officer has appointed Dr. Harry Foreman to assist the Presiding Officer in taking evidence and in preparing a suitable record for review.

All correspondence, documents and other materials shall be filed with Judge Miller and Dr. Foreman in accordance with 10 CFR 2.701. Their addresses are; Administrative Judge Marshall E. Miller, Presiding Officer, 1920 South Creek Boulevard, Spruce Creek Fly-In, Daytona Beach, FL 32124; Dr. Harry Foreman, Special Assistance, 1564 Burton Avenue, St. Paul, MN 55108.

Issued at Rockville, Maryland, this 27th day of January 1995.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 95-2725 Filed 2-2-95; 8:45 am]

BILLING CODE 7590-01-M

**SECURITIES AND EXCHANGE
COMMISSION**

[Release No. 34-35293; File No. SR-MSTC-94-19]

**Self-Regulatory Organizations;
Midwest Securities Trust Company;
Notice of Filing and Order Granting
Accelerated Approval of Proposed
Rule Change Implementing New
Procedures Regarding the Distribution
of Hardcopy Reorganization Offer
Notices**

January 30, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ notice is hereby given that on December 8, 1994, the Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I and II below, which Items have been prepared primarily by MSTC. On December 15, 1994, MSTC amended the proposed rule change by requesting that the Commission consider the proposal as being filed under Section 19(b)(2)² of the Act instead of Section 19(b)(3)(A)³ of the Act.⁴ The Commission is publishing this notice and order to solicit comments from interested

¹ 15 U.S.C. 78s(b)(1) (1988).

² 15 U.S.C. 78s(b)(2) (1988).

³ 15 U.S.C. 78s(b)(3) (1988).

⁴ Letter from David T. Rusoff, Foley & Lardner, to Peter R. Geraghty, Division of Market Regulation, Commission (December 15, 1994).